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10 Attorneys for Plaintiffs

11
12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 (SAN FRANCISCO DIVISION)

15 **In re: Bextra and Celebrex Marketing Sales**
16 **Practices and Product Liability Litigation**

17 **MDL No. 1699**

18 **District Judge: Charles R. Breyer**
19 **Magistrate:**

20 **GENE R. THOME, JR.**, individually,
21 and on behalf of **CAROLYN THOME**,
22 deceased,

23 Plaintiff,

24 v.

25 **PFIZER, INC., PHARMACIA CORP., and**
26 **G.D. SEARLE & CO.,**

27 Defendants.

28 Case No. C 06 7690 CRB

STIPULATION AND [PROPOSED]
ORDER OF DISMISSAL WITHOUT
PREJUDICE AS TO PLAINTIFF GENE
THOME, JR. INDIVIDUALLY AND, ON
BEHALF OF CAROLYN THOME,
DECEASED

21 Comes now the Plaintiff, Gene R. Thome, Jr., individually and on behalf of the Estate of
22 Carolyn Thome ("Plaintiff"), and Defendants Pfizer, Inc., Pharmacia, Corp., and G.D. Searle &
23 Co. ("Defendants"), by and through the undersigned attorneys, pursuant to Federal Rule of Civil
24 Procedure, Rule 41(a), and hereby stipulate to the dismissal of the plaintiff Rita McClure's claims
25 without prejudice with each side bearing its own attorneys' fees and costs.

26 This Stipulation and Order, does not affect any claims on behalf of the following named
27 Plaintiffs:
28

1. Charles Irons, Case No. C 06 7690 CRB
2. Charles Skelton, Case No. C 06 7690 CRB
3. James Conley, Sr., Case No. C 06 7690 CRB
4. Bukuriye Skepi, Case No. C 06 7690 CRB
5. Robert Parker, Case No. C 06 7690 CRB
6. Winford Bent, Case No. C 06 7690 CRB
7. Alicia Carswell, Case No. C 06 7690 CRB
8. Eugene McCarthy, Case No. C 06 7690 CRB
9. Virginia Atkins, Case No. C 06 7690 CRB

Plaintiff agrees to re-file any and all claims against Defendants, in a United States District Court.

Dated: May 17, 2007

Respectfully submitted

By: 

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Attorney for the Defendants

Dated: May 17, 2007

Respectfully submitted

By: 

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Attorneys for Plaintiff

ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER having come before this Court on the Parties Stipulation of Dismissal, pursuant to Federal Rule of Civil Procedure 41(a), it is hereby ORDERED AND ADJUDGED:

This matter is dismissed without prejudice with each side bearing its own attorneys' fees and costs.

DONE AND ORDERED this 21st day of May, 2007, in San Francisco, California.

Conformed copies to:
B. Kristian W. Rasmussen, Esquire
Stuart M. Gordon, Esquire

